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RUEHCV/AMEMBASSY CARACAS 2768
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RUEHMN/AMEMBASSY MONTEVIDEO 4830
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C O N F I D E N T I A L LA PAZ 002442

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E.O. 12958: DECL: 09/05/2017
TAGS: ECON PGOV PREL BL
SUBJECT: MORALES CHECKED AS JUSTICES REINSTATED

REF: LA PAZ 2333

Classified By: EcoPol Chief Mike Hammer for reasons 1.4 (b) and (d).

SUMMARY

¶1. (C) The opposition-controlled senate voted on September 5 to reinstate the four Constitutional Tribunal judges that the government MAS party controlled lower house had suspended on August 22. The suspension of the judges had created a void that could have enabled Morales' MAS party to ram through a new constitution without any judicial oversight. MAS Senator Santos Ramirez warned that the opposition "will pay" and that the MAS will fight the reinstatement. Senate President Jose Villavicencio told Emboff the opposition is prepared to weather any MAS political attack and that at this point the case is closed. End summary.

EVO TRIES TO REMOVE OVERSIGHT

¶2. (U) President Evo Morales had filed an impeachment case against four of the five Constitutional Tribunal judges accusing them of hearing and ruling on cases outside of the court's jurisdiction. In particular, the Constitutional Tribunal had ruled that Evo's recess appointments to the Supreme Court were only allowed to sit on the bench for a period of ninety days. On August 22, after two days of fisticuffs on the congressional floor, MAS congressman secretly moved the session to Vice President Garcia Linera's

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office and voted to send the impeachment case to the senate for trial. The impeachment vote automatically triggered the suspension of the judges and left Bolivia with no constitutional oversight body.

BUT THE OPPOSITION HITS BACK

¶3. (C) Senate President Jose Villavicencio told Emboff on the afternoon of September 4 that a behind-the-scenes agreement had been reached among the three opposition parties (Podemos, UN, and MNR) to vote to reinstate the impeached judges. That evening Villavicencio convoked a senate session and, over the objections of the MAS senators, voted by simple majority to reinstate the four. As the opposition controlled senate is the sentencing body in impeachment cases this matter is now considered closed. MAS Senator Santos Ramirez, who several times during the session threatened to physically attack opposition senators, told the press that "if the opposition does not know how to use its majority to listen, it is preferable that the senate be shut down." Podemos and National Unity party (UN) contacts have told Emboff they are prepared for any potential political attack from the MAS.

COMMENT

¶4. (C) The move by the opposition controlled senate to reinstate the judges was fully expected as they had deemed it a political witch hunt by Evo Morales from the start. Morales has continuously tried to neutralize the judicial system, accusing them of standing in the way of "change." For the moment Morales will have to deal with the fact that there is a Constitutional Court that can overturn decrees -- and issues related to the constituent assembly -- if deemed illegal. End Comment.

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